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EXAMINER

GLASS, ERICK DAVID

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENICHI KATSUMATA, YASUYUKI MOCHIZUKI,
YUICHI NAKAZAWA, and SUSUMU YAMAMOTO

Appeal 2008-005280
Application 10/816,890
Technology Center 2800

Decided:¹ June 19, 2009

Before ROBERT E. NAPPI, MARC S. HOFF, and KARL D. EASTHOM,
Administrative Patent Judges.

NAPPI, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 CFR § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

This is a decision on appeal under 35 U.S.C. § 6(b) of the final rejection of claims 1 through 4.

We affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed towards a method for control of motor driven windows. The method operates to suppress the heat generated by the semiconductor devices that control the motor when the motor is being supplied with a lock current. See pages 5 through 7 of Appellants' Specification. Claim 1 is representative of the invention and reproduced below:

1. A motor drive apparatus comprising:
 - a motor current detecting section operable to detect a motor current when a movable member driven by a motor is moved in a first direction;
 - a lock current judging section operable to monitor the motor current detected by the motor current detecting section to make a judgment on a lock current that flows when motion of the movable member is set to a locked state;
 - a switch operation invalidation setting section operable to invalidate a switch operation when the motor current is the lock current, the switch operation corresponding to moving the movable member in the first direction; and
 - a switch operation invalidation setting canceling section operable to cancel the invalidation by the switch operation invalidation setting section, said canceling being done when a second switch operation of moving the movable member in a second direction is conducted under a state where said invalidation is done.

REFERENCE

Hammer	US 3,581,174	May 25, 1971
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REJECTION AT ISSUE

Claims 1 through 4 are rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Hammer. The Examiner's rejection is on pages 3 and 4 of the Answer.²

ISSUE

Appellants argue, on pages 10 through 13 of the Brief and page 4 of the Reply Brief³ that the rejection of claims 1 through 4⁴ is in error.

Appellants argue that Hammer teaches conventional technology and does not identify or solve the problems identified in Appellants' invention.

Appellants assert that Hammer does not disclose canceling the invalidation as claimed. Brief 11, Reply Brief 4. Appellants state that:

The invalidation canceling section cancels the invalidation when the window moves in the opposite direction, thereby preventing the problems that are mentioned in the present Specification. In fact, Hammer merely teaches reversing the direction of motion and not the subsequent cancellation of the reversing, as in the present invention.

Brief 12.

Thus, Appellants' contention present us with the issue: have Appellants shown that the Examiner erred in finding that Hammer teaches canceling the switch operation invalidation as recited in claim 3?

² Throughout the opinion, we make reference to the Answer, mailed October 2, 2007 for the respective details thereof.

³ Throughout the opinion, we make reference to the Brief, received May 22, 2007 and Reply Brief, received December 3, 2007, for the respective details thereof.

⁴ Appellants' arguments group claims 1 through 4 together. Accordingly, we select claim 3 as representative.

PRINCIPLES OF LAW

In analyzing the scope of the claim, Office personnel must rely on Appellants' disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980 (Fed. Cir. 1995). "[I]nterpreting what is *meant* by a word *in* a claim is not to be confused with adding an extraneous limitation appearing in the specification, which is improper." *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 1348 (Fed. Cir. 2002) (emphasis in original; citations and quotations omitted).

FINDINGS OF FACT

1. Hammer teaches a window actuator control circuit that incorporates an overload current relay and a reversing relay to reverse the motor in response to an overload condition. Abstract.
2. Hammer teaches that the opening or closing of a motor actuated window is controlled by switch item 22. Col. 2, ll. 9-13.
3. Hammer teaches that during a close operation, the current to the motor is observed by an overload relay item 58. When the current actuates this overload relay, it in turn actuates a reversing circuit, item 52, which includes a reversing relay item 62. Col. 2, ll. 40-49.
4. The reversing relay, item 52, when energized, actuates contact arm 72 to connect contacts items 68 with 76. As see in Figure 2, connecting these contacts bypasses and therefore makes ineffective switch item 22. Col. 2, ll. 55-65, col. 3, ll. 16-20, col. 4, ll. 69-75, Fig. 2.
5. The reversing circuit also includes a limit switch, item 104, which open circuits the reversing relay when the window is within ½ inch of

either the fully open or fully closed position. When this limit switch opens up it de-energizes the reversing relay thus removing the bypass of switch item 22. Col. 3, ll. 44-47, col. 5, ll. 1-39.

ANALYSIS

We are not persuaded that the Examiner erred in finding that Hammer teaches canceling the switch operation invalidation as recited in claim 3. Claim 3 recites “invalidating a switch operation of a moving member in a first direction.” The Examiner has found that this limitation is taught by Hammer’s automatic reverse mode in which switch (item 22) is bypassed by contact 76 and lead 94. Answer 3. Appellants have not contested these findings by the Examiner and we find ample evidence to support the Examiner’s finding that when current flowing through contact arm 72 connects contacts 68 to 76, to the window motor via lead 94, current will bypass the window switch 22. Fact 4. This has the effect of invalidating any operation by switch 22.

Claim 3 further recites “canceling the switch operation invalidation setting state by conducting a second switch operation of a moving the second moving member in a second direction during said invalidation.” Thus, the scope of this limitation is that the switch operation invalidation is canceled when a second switching operation is performed. However, the claim does not identify what device performs the second switching operation. Thus, any device which performs a second switching operation will meet the claim.

The Examiner has found that the operation of the limit switch in Hammer’s circuit meets the claimed “cancelling the switch operation

invalidation setting state.” Answer 3, 4, and 5. We concur with this finding. As discussed above, Hammer teaches that switch item 22 is inoperative when contact arm 72 connects contacts 68 to 76. Further, Hammer teaches that when limit switch item 104 opens up, relay coil 78 is de-energized and contact arm 72 again connects contacts 68 to 74, thereby placing the switch item 22 back into the circuit to control the window motor. Facts 4 and 5. Thus, we are not persuaded by Appellants’ argument that “Hammer merely discloses that the automatic reversing circuit 52 is disconnected and inoperative when the window is either in the open or closed position. There is no reactivation as construed by the Examiner.” Brief 12.

Appellants have not shown that the cancellation of the automatic reversing circuit, which invalidates the operation of the window switch as disclosed by Hammer, differs from the claimed cancellation of the switch operation invalidation. Further, we note that while Appellants’ disclosure identifies a different problem to be solved (reduce the generation of heat in the semiconductor device that operates the motor) than discussed by the disclosure of Hammer, Appellants have not identified any claim limitations which bear out a distinction between the claims and the prior art. Accordingly, we sustain the Examiner’s rejection of claims 1 through 4.

SUMMARY

In summary, we sustain the Examiner’s rejections of claims 1 through 4 under 35 U.S.C. § 102(b).

ORDER

The decision of the Examiner to reject claims 1 through 4 is affirmed.

Appeal 2008-005280
Application 10/816,890

No period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD

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